

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, WESTERN DIVISION

DAISY MCKINNEY, individually and as
Next Friend of WILLIE MCKINNEY, an
incapacitated person,

Plaintiff,

v.

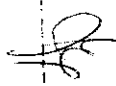
KINDRED HEALTHCARE, INC.;
KINDRED HEALTHCARE OPERATING,
INC.; KINDRED NURSING CENTERS
LIMITED PARTNERSHIP d/b/a SPRING
GATE REHABILITATION AND
HEALTHCARE CENTER; RENEE B.
TUTOR, in her capacity as Administrator of
Spring Gate Rehabilitation and Healthcare
Center,

Defendants.

CASE NO. 2:05-CV-02222-SHM-tmp

DIVISION 1

Jury Demanded

FILED BY:  D.C.
05 JUN 13 PM 2:08
Robert R. Di Tella
CLERK, U.S. DIST. CT.
W. D. OF TN, MEMPHIS

~~JOINT PROPOSED~~ SCHEDULING ORDER

The undersigned counsel for Defendants and counsel for the Plaintiff have conferred in accordance with *Fed. R. Civ. P.* 26 and agree upon the following dates to be established to govern discovery in this matter as Defendants have a Motion to Dismiss, or in the Alternative, For Summary Judgment pending and Plaintiff has a Motion to Remand pending.

1. Initial disclosures pursuant to *Fed. R. Civ. P.* 26(a)(1): two (2) weeks from date of scheduling conference.

2. The parties agree that all discovery in this matter, other than Rule 26 disclosures, discovery related to issues raised in Plaintiff's Motion to Remand and discovery related to Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment, shall be stayed pending the Court's ruling on Plaintiff's Motion to Remand and Defendants' Motion regarding the Alternative Dispute Resolution agreement. The parties shall complete all remand-related discovery and mediation/arbitration-related discovery on or before August 26, 2005. Further, Defendants' participation in any discovery related to Plaintiff's Motion to Remand does not waive Defendants' right to compel mediation and/or arbitration pursuant to the terms of the Alternative Dispute Resolution Agreement, which is a subject of Defendants' Motion to Dismiss, or in the Alternative, For Summary Judgment. Finally, the parties agree that the deadlines imposed by this Scheduling Order shall not operate to waive any objections related to the request of discovery.

3. If necessary, the Court shall conduct a follow-up scheduling conference on

September 8, 2005 at 9:30 a.m.

IT IS SO ORDERED.



HONORABLE TU M. PHAM

June 9, 2005
DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 16 in case 2:05-CV-02222 was distributed by fax, mail, or direct printing on June 15, 2005 to the parties listed.

F. Laurens Brock
CHAMBLISS BAHNER & STOPHEL
Two Union Square
1000 Tallan Bldg.
Chattanooga, TN 37402

Cameron C. Jehl
WILKES & McHUGH- Little Rock
425 West Capitol Ave.
Ste. 3500
Little Rock, AR 72201

Honorable Samuel Mays
US DISTRICT COURT